

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**FREDDIE TILMON,** )  
 )  
**Petitioner/Defendant** )  
 ) CIVIL NO. 03-CV-533-GPM  
**vs.** )  
 ) CRIMINAL NO. 00-CR-30029  
**UNITED STATES of AMERICA ,** )  
 )  
**Respondent/Plaintiff.** )

**ORDER**

**MURPHY, District Judge:**

A year after the Seventh Circuit denied his request for issuance of a certificate of appealability (*see* Doc. 44), Petitioner Tilmon filed a motion for relief from judgment (Doc. 45). The Court found that motion to be an unauthorized attempt to file a second or successive petition under 28 U.S.C. § 2255 and denied the motion for lack of jurisdiction (Doc. 45).

Now before the Court is Petitioner's motion challenging that decision (Doc. 47). He argues that the Court should not have construed his Rule 60(b) motion as a second or successive petition. Instead, he insists that his motion should have been treated as he intended – a Rule 60(b) motion. The Court disagrees. Even if the Court had applied the standards of Rule 60(b) to that motion, however, it would have been denied on the merits. Accordingly, the instant motion is **DENIED**.

**IT IS SO ORDERED.**

DATED: 10/22/07

s/ *G. Patrick Murphy*  
G. Patrick Murphy  
United States District Judge